



California Regional Water Quality Control Board

San Francisco Bay Region



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Arnold Schwarzenegger
Governor

TO: Selica Potter
Acting Clerk to the Board
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/s/
FROM: Thomas Mumley
Planning and TMDL Division Chief
San Francisco Bay
Regional Water Quality Control Board



303 (d) Deadline:
1/31/06

DATE: January 31, 2006

SUBJECT: PROPOSED REVISIONS TO THE 2006 303(d) LIST

We offer the following comments on the 303(d) list recommendations:

- Lake Chabot in Solano Co is incorrectly recommended for listing for several pollutants, Chlordane, DDT, Dieldrin, Mercury, and PCBs. The data are from fish in Lake Chabot in Alameda County.
- Stevens Creek is also incorrectly recommended for listing for several pollutants Chlordane, Dieldrin, Mercury, and PCBs, based on levels in fish. The data are from fish in Stevens Creek Reservoir.
- The fact sheet for the recommended listing of the San Mateo Coast for mercury sites a narrative bioaccumulation objective from our Basin Plan that does not apply. All water quality objectives for ocean waters are in the Ocean Plan.
- The recommended listing of the Napa River for mercury is not supported with sufficient data. The Toxic Substances Monitoring Program (TSMP) data cited in the fact sheet do not include two distinct representative samples that exceed the evaluation guideline. The US EPA human health fish tissue criterion of 0.3 ppm mercury in edible fish tissue applies to the average concentration of all sport fish consumed (the take-home basket at the end of the day), and assumes an average consumption rate of 17.5 grams sport fish per day. US EPA's criterion document recognizes that a percentage of trophic level 4 fish with up to 0.66 ppm mercury may be consumed while still meeting the 0.3 ppm criterion. In accordance with Listing Policy Section 6.1.5 - *Data Quantity Assessment Process*, and specifically Section 6.1.5.6 - *Evaluation of Data Consistent with the Expression of Numeric Water Quality Objectives, Water Quality Criteria, or Evaluation Guidelines*, the 1995 TSMP data should be consolidated and considered a single sample. Whether or not this more representative consolidated sample result exceeds the evaluation guideline, the single 1997 TSMP sample

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did not. Therefore, there are not two representative samples that exceed the evaluation guideline necessary to justify the recommended listing. Also, please note that the Office of Environmental Health Hazard Assessment (OEHHA) has not issued health advisories for consumption of fish from the Napa River.

- The recommended listing of Hill Slough for mercury is also not supported with sufficient data. The fact sheet cites two individual TSMP fish samples from 1997. These data should be considered a single sample and don't meet the data quantity requirements of the Listing Policy for reasons similar to those described in our comment regarding the Napa River mercury listing recommendation, including OEHHA has not issued a health advisory for consumption of fish from Hill Slough.
- The recommended listing of the San Mateo Coast for mercury is also not supported with sufficient data. The five TSMP samples cited in the fact sheet should be consolidated into a single sample result, and as such don't meet the data quantity requirements of the Listing Policy as described in our comment regarding the Napa River mercury listing. OEHHA has also not issued a health advisory for consumption of fish from the San Mateo Coast. The spatial representativeness of a single station off the San Mateo Coast is also questionable.
- San Leandro Bay should be listed as impaired by PCBs. Bay Protection and Toxic Cleanup Program datasets used to support listing of other water segments for PCBs and listing of San Leandro Bay for other pollutants also include data to support listing of San Leandro Bay for PCBs.

We also request revisions to listed TMDL Completion Dates to better reflect current progress of projects under development and our revised schedule for future project. Revised completion dates are as follows:

- Napa River Nutrients = 2008
- San Francisquito Creek Sediment = 2008
- Sonoma Creek Nutrients = 2008
- Sonoma Creek Sediment = 2008
- Tomales Bay Mercury = 2009
- Tomales Bay Sediment = 2010
- Walker Creek Sediment = 2009
- PCBs (dioxin-like) in all San Francisco Bay segments = 2006 (the same as for PCBs)
- Selenium in all San Francisco Bay segments = 2009